DECLARATORY
~~Improvement~~ Res. No. 1205-1967

For the Vacation of the alley between Superior Street and Wood Avenue from the easterly property line of Wells Street to the west property line of the first alley west of Harrison Street.

Resolution Adopted: March 20, 1967

Confirmed: March 20, 1967

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:
April 20, 1967

B.O. 206-'66 Ream-Steckbeck Pa[illegible] Co.

DECLARATORY RESOLUTION NO. 1205-1967

For the Vacation of the alley between Superior Street and Wood Avenue from the easterly property line of Wells Street to the west property line of the first alley west of Harrison Street.

PLANS ORDERED:

ADOPTED: March 20, 1967
WAIVER signed by property owner

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION:

CONFIRMED: March 20, 1967

ASSESSMENT ROLL ORDERED: March 20, 1967

ASSESSMENT ROLL APPROVED: April 4, 1967

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., April 20, 1967, 3:30 p. m.

NOTICE SERVED: April 7, 1967

ASSESSMENT ROLL CONFIRMED: April 20, 1967

DECLARATORY RESOLUTION No. 1205 1967

For the Vacation ~~Opening Condemnation of right of way for utility purposes~~ of the alley between Superior Street and Wood Avenue from the easterly property line of Wells Street to the west property line of the first alley west of Harrison Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Superior Street and Wood Avenue from the easterly property line of Wells Street to the west property line of the first alley west of Harrison Street.

All as shown by a plan of such proposed Vacation ~~Opening Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening Condemnation of right of way for utility purposes~~ is described as follows: Lots 1,4,5,7,8,9 & 10, all in Wood Place Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the east one-half of Section Two, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 20 DAY OF March 1967

Fred D. Reuwee

Robert W. Dahnan

Board of Public Works.

Attest:

Secretary Board of Public Works.

ALLEY TO BE VACATED
ST. MARY'S RIVER
WELLS ST.
WOOD AVE.
HARRISON STREET
SUPERIOR STREET
WOOD
HENTEMANN'S
HENDERSON
SPRAGUE
VAC.
66
66
66

1205

50-207-7

BOARD OF PUBLIC WORKS
RECEIVED
DEC 20 1966

PETITION

Fort Wayne, Ind., _____

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

☒ F.S.E.
☐ R.W.D.
☐ G.F.G.

Date _____

The undersigned, owners of real estate on Wells Street, Wood Avenue and Superior Street, more particularly ~~from~~ described as Lots No. 1, ~~2~~, ~~3~~, 4, 5, 6, ~~to~~ 7, 8, 9 and 10 in Woods' Place Addition to the City of Fort Wayne respectfully petition for the passage of a resolution providing for the vacation of that certain public alley located within the City of Fort Wayne, Indiana, and more particularly described as follows:

The public alley lying next South of and parallel to Wood Avenue and East of Wells Street, being approximately 177 feet long and 10 feet wide, and bounded as follows:

On the West by the East line of Wells Street; on the North by the South lot line of Lots 5, 7, 8, 9, and 10 in Woods' Place Addition to the City of Fort Wayne, Indiana; on the East by the West ~~line of an alley running perpendicular to Wood~~ Avenue; and on the South by the North Lot Line ~~of Lots 1 and 4 in Woods' Place Addition to the~~ City of Fort Wayne.

Your Petitioners enclose a signed copy of the Petition to Vacate said alley, which has been filed with the City Plan Commission, and the Common Council of the City of Fort Wayne, Indiana, and hereby makes said Petition a part of this Petition to the Board of Public Works

Anna Evelyn Stamets Wargo
ANNA EVELYN STAMETS WARGO

Alex Wargo
ALEX WARGO

~~[illegible]~~

TO. THE PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA
and
THE COMMON COUNCIL
CITY OF FORT WAYNE, INDIANA

Re: Vacation of Alley

Gentlemen:

Your petitioners, the undersigned, do hereby respectfully petition the Plan Commission and the Common Council of the City of Fort Wayne, Allen County, Indiana, to vacate a certain alley located within the City of Fort Wayne, Indiana, and more particularly described as follows: The public alley lying next South of and parallel to Wood Avenue and East of Wells Street, being approximately 177 feet long and 10 feet wide, and bounded as follows

> On the West by the East line of Wells Street; on the North by the South lot line of Lots 5, 7, 8, 9, and 10 in Woods' Place Addition to the City of Fort Wayne, Indiana; on the East by the West line of an alley running perpendicular to Wood Avenue; and on the South by the North Lot Line of Lots 1 and 4 in Woods' Place Addition to the City of Fort Wayne.

Your petitioners further represent:

1. That they are the fee simple owners of Lots 1, [redacted], [redacted], 4, 5, 6, 7, 8, 9, and 10 in Woods Place Addition to the City of Fort Wayne. That the alley to be vacated is completely surrounded by said Lots and that your petitioners are the sole owners of the real estate which abuts on said alley The alley lies east of Wells Street and between and parallel to Wood Avenue and Superior Street in Fort Wayne, Indiana. That the alley is not now nor never has been used as a public alley.

2. That there is no other person, within the knowledge of these petitioners, who might be interested in the requested vacation, since the alley is not now being used as an alley, and since no other persons property abuts on said alley. That there is an alley which runs perpendicular to the alley sought to be vacated, and connects therewith, and which enters and exits on Wood Avenue, but that the vacation of the alley herein requested will in no way disturb or change the condition of the alley running from Wood Avenue to the North lot line of Lot No. 1 in Woods' Place Addition.

3. That the alley sought to be vacated is not needed for ingress or egress or the right-of-way to your petitioner or to any of the citizens of the City of Fort Wayne; that it is your petitioners belief that the vacation of said alley will inure to the benefit of all citizens of this community; that your petitioners further represent that said alley is not necessary nor advantageous in any manner to the growth of this City; that the vacation of said alley will not leave any real estate within this City without ingress or egress. Your petitioners believe that the vacation of the said alley will enable your petitioner to make more advantageous and proper development of the business properties located adjacent thereto.

4. That your petitioners have sold all of the above-mentioned lots to a prospective buyer, who intends to erect a large commercial building upon said real estate, which will greatly improve the value of the real estate and the benefit to the City of Fort Wayne, but that said commercial building cannot be erected without the vacation of the above-described alley.

5. That your petitioner has filed simultaneously with the filing of this Petition, a petition for vacation of the alley herein described, with the Board of Public Works of the City of Fort Wayne, and submits herewith for the use of the Plan Commission a Notice of Public Hearing and a Resolution for the use of the Plan Commission and the Common Council of the City of Fort Wayne.

6. That this petition is being filed in accord with and in pursuance of Section 44 of Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Indiana Statutes Annotated 1964 Replacement, Section 53-744)

WHEREFORE, your petitioners respectfully request and petition the Fort Wayne City Plan Commission to conduct a public hearing on the vacation of the alley in the City of Fort Wayne, as more particularly described in the foregoing petition, all in accordance with Section 44

of Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, (Burns Indiana Statutes Annotated 1964 Replacement, Section 53-744), and that its recommendation in respect thereto be forwarded to the Common Council of the City of Fort Wayne for its action thereon.

Anna Evelyn Stamets Wargo
ANNA EVELYN STAMETS WARGO

Alex Wargo
ALEX WARGO

[redacted]

Dated this 19th day of December, 1966.

BONAHOOM, COWEN AND MCNELLIS
(Otto M. Bonahoom)
708 Anthony Wayne Bank Bldg.
Fort Wayne, Indiana
Phone: 743-8102

Attorneys for Petitioners

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

50-283-3

B.O. 206-'66

Date March 20, 1967

To City Engineer

Subject Dec. Res. 1205-1967 alley between Superior & Wood.

Prepare Assessment Roll of Benefits $1.00 and Damages $1.00.

Fred S. Ehrman
Robert W. Dahmann
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List

NOTED
☐ F.S.E.
☑ R.W.D.
☐ G.F.G.

Signed _____ Date _____

Reply:

March 29, 1967

Assessment roll of benefits and damages completed and attached.

Walter H. Meitz
City Engineer

DEB:lc
attach.

BOARD OF PUBLIC WORKS
RECEIVED
APR 3 1967

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

3

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

50-209-9

B.O. 206-'66

Date Dec. 21, 1966

NOTED
F.S.E.
R.W.D.
G.F.G.

To City Engineer

Subject Vacation - Alley south of Wood Avenue

Received a petition to Vacate the alley lying next south of and parallel to Wood Avenue and East of Wells Street.

Prepare an opinion, after conferring with all Government Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach copy of petition

Signed

Reply:

1205

March 15, 1967

Declaratory Resolution, drawing and property ownership list completed and attached.

It will not be necessary to hold a public hearing on this vacation because the only property involved has signed a waiver which is attached.

The property involved is being purchased under contract by Ream-Steckbeck Paint Co. and will be used as the location for their new building.

Walter H. Meitz
City Engineer

DEB:lc
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
MAR 16 1967

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

WAIVER

We, the undersigned, the owners of all property which may be injuriously or beneficially affected by the proposed vacation of an alley described as follows, to wit:

> The vacation of the alley between Superior Street and Wood Avenue from the easterly property line of Wells Street to the west property line of the first alley west of Harrison Street.

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1205, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and our right to file or present in any way any remonstrance against the action taken by said Board under said resolution; and we do hereby agree that said Board may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and that such action so taken shall be final and conclusive upon us.

Dated this 28 day of February, 1967

Anna Evelyn Stamets Wargo

Anna Evelyn Stamets Wargo

Lots 1, 4, 5, 7, 8, 9 & 10

Wood Place Addition

Alex Wargo

Alex Wargo

1205

Declaratory ~~Improvement~~ Resolution No. 1205 -1967 For The Vacation Of The Alley Between Superior Street And Wood Avenue From The Easterly Property Line Of Wells Street To The West Property Line Of The First Alley West Of Harrison Street.

	OWNER'S NAME	ADDRESS	NUMBER OF LOT	NUMBER OF BLOCK	NUMBER OF O.L.	DESCRIPTION
1	Wargo, Anna Evelyn		1			Wood Place Addition
2	" "		4			"
3	" "		5 & ½	Vac. Alley		"
4	" "		7 & ½	Vac. Alley		"
5	" "		8			"
6	" "		9			"
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		TOTAL				

MCJC
3-15-67

1205